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# WISCONSIN MEDICAID UPDATE

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SEPTEMBER 16, 1997

UPDATE 97-32

TO:  
HMOs and other Managed Care  
Programs  
SMV Providers

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## SMV Provider Responsibilities

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### What's in this Update

This update contains information on:

- Provider recertification.
- Major changes to Trans 301, Wis. Admin. Code (effective May 1, 1997).

### Recertification

In mid-1998, instead of automatically renewing specialized medical vehicle (SMV) provider agreements, Wisconsin Medicaid will conduct an active provider recertification. Active provider recertification requires providers to complete and return certification packets within a specified time frame. Wisconsin Medicaid will notify providers at least 30 days before the recertification packets are mailed.

As part of Medicaid recertification, all providers must comply with the Wisconsin Department of Transportation's Trans 301, Wis. Admin. Code.

### Major changes to Trans 301, Wis. Admin. Code

#### Contact Wisconsin Department of Transportation with questions

This summary of the major changes is provided for your convenience. It is your responsibility to

read the revised rules carefully and comply with all of the rule's provisions.

Attached is the revised Trans 301, Wis. Admin. Code. Contact the Wisconsin Department of Transportation for questions.

### Requirements for vehicle owners and employers

It is now the owner's responsibility, as well as the employer's, to determine that qualified personnel operate the vehicle according to safe practices. The owner is also responsible for insuring and registering the vehicle as a human services vehicle (HSV). The owner must have the vehicle inspected, as required by Section 110.05, Wis. Stats., and Trans 301, Wis. Admin. Code.

### Two-way communication system required

SMV providers must meet the Trans 301, Wis. Admin. Code, requirement that every vehicle be equipped with a two-way communication system.

### Door height for modified vans

Any van modified with a raised roof and/or doors, that was placed in operation *after* May 1, 1997, must meet the federal standards of 49 CFR 571.220, school bus roll-over protection.

A modified van with raised roof and/or doors placed in operation *before* May 1, 1997, may continue operation for five years after May 1, 1997, without

modification provided it meets the accessibility guidelines for transportation vehicles in 36 CFR, subpart B. Subpart B includes the following door height standard:

- For vehicles in excess of 22 feet in length:

The overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, must be a minimum of 68 inches.

- For vehicles of 22 feet in length or less:

The overhead clearance between the top of the door opening and raised lift platform,

or highest point of a ramp, must be a minimum of 56 inches.

### **Federal regulations available**

SMV providers who need copies of the federal regulations that support Trans 301, Wis. Admin. Code, may obtain them by contacting:

Sgt. Sandra Huxtable, State Patrol  
Wisconsin Department of Transportation  
4802 Sheboygan, Room 551  
PO Box 7912  
Madison, WI 53707-7912

(608) 267-0325

POH 1576

## Chapter Trans 301

### HUMAN SERVICES VEHICLES (HSV)

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Note: Chapter Trans 301 was created as an emergency rule effective December 1, 1981.

**Trans 301.01 Purpose.** The purpose of this chapter is to promote the safe transportation of persons in a vehicle utilized as a human services vehicle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.02 Scope.** This chapter is promulgated under authorization granted in s. 110.05, Stats. This chapter is intended to provide specific safety related standards regarding design, construction and equipment requirements for new and in-use human services vehicles. This chapter may require different standards for vehicles of various size and use. It provides for the inspection and operation of human services vehicles as defined in this chapter.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.03 Definitions.** (1) "Attended" means the driver is in the immediate area of the service door or, in the case of an HSV equipped with a power lift, the driver is assisting a person with a disability to board or exit the HSV operating the power lift controls.

(2) "Department" means Wisconsin department of transportation.

(3) "GVWR" means gross vehicle weight rating.

(4) "HSV" means a human services vehicle as identified in s. 340.01 (23) (g), Stats., and regulated under s. 110.05, Stats.

(5) "Owner" means the owner of the vehicle and includes the lessee or operator of the vehicle, if the owner of the vehicle leases or authorizes the use of the vehicle.

(6) "Placed in operation" means the date entered on the original application for title/registration as an HSV as the date the vehicle was first placed in operation as an HSV in Wisconsin, regardless of who owned the vehicle or where it was placed in operation. In the case of a vehicle modified or remanufactured for use as an HSV, "placed in operation" means the date of first physical manipulation or activation of any of the controls of the motor vehicle necessary to put it in motion in Wisconsin after modifica-

tion or remanufacture, regardless of who owned the vehicle or where it was put in motion.

Note: In the event of transfer of title/registration after the date first placed in operation as an HSV, the very first date of operation as an HSV continues to govern, unless the vehicle is modified or remanufactured.

(7) "Secretary" means secretary of the Wisconsin department of transportation.

(8) "Service door" means the door usually used by the majority of the passengers for entering and leaving the HSV. In a vehicle commonly referred to as a van, this may be either the right front door or the door located near the center of the vehicle on the right side. The van door may be either on a sliding glideaway or may open outward.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; renum. (1) and (4) to be (4) and (7) and am. (4), cr. (1), (5) and (6), (8) renum. from Trans 301.30 (1) and am., Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.04 Federal regulations adopted.** The federal regulations in title 49 CFR part 393 (October 1, 1995), parts and accessories necessary for safe operation, 49 CFR part 571 (October 1, 1995), motor vehicle safety standards, and 36 CFR part 1192 (October 1, 1996), Americans with disabilities act accessibility guidelines for transportation vehicles, that are specified in this chapter shall be enforced in relation to an HSV under this chapter as though the regulations were set out in full in this chapter.

Note: Copies of the federal regulations may be obtained by contacting the Division of State Patrol, Wisconsin Department of Transportation, P.O. Box 7912, Room 551, Madison, Wisconsin 53707-7912.

History: Cr. Register, April, 1997, No. 496, eff. 5-1-97.

#### Subchapter I—Operation

**Trans 301.05 Driver requirements.** (1) The driver may not smoke or permit smoking aboard the HSV. The driver may not operate an HSV while under the influence of alcohol or controlled substance or permit the use of alcohol or controlled substance on the vehicle.

(2) The driver shall maintain order among passengers being transported. Misconduct shall be promptly reported to the proper authority. The driver may assign seating order.

(3) Prior to the start of any trip the driver shall check the condition of the HSV, giving particular attention to brakes, tires, lights, emergency equipment, mirrors, windows, special equipment, and interior cleanliness of the vehicle. Defects shall be reported to the person in charge of vehicle maintenance. The driver shall be responsible for the cleanliness of the interior of the vehicle. The windshield and mirrors shall be clean before each operation.

(4) In case of an accident or a breakdown the driver should remain with the vehicle and secure aid by means of 2-way communication.

(5) Passenger loading and unloading locations or points shall be selected with due regard for traffic and pedestrian safety and s. 346.475, Stats.

(6) Doors shall be closed securely before starting and shall remain closed while vehicle is in motion, except as provided in sub. (12). Abrupt starts and stops or sudden maneuvers are prohibited, except in an emergency.

(7) A driver may not leave the vehicle unattended with engine running or key in the ignition.

(8) Articles may not be transported within vehicle body if there is or may be interference with passengers or driver, or if aisle, well or steps are obstructed. Articles other than those associated with agency activity or in the personal possession of passengers may not be transported. At no time will animals, except for dogs permitted by s. 174.056, Stats., for the sight or hearing impaired or other animals assisting a person with a disability, or firearms or other weapons unless accompanied by written authorization from the agency administrator be permitted on an HSV. The driver shall refuse admittance to any person not presenting proper authorization. The driver may designate where items shall be carried on the vehicle.

(9) Minors being transported in an HSV are prohibited from crossing the road either to be loaded or discharged. The driver shall position the vehicle in such a manner that a minor need not cross the road to be loaded or discharged from the vehicle.

(10) Drivers, transportation supervisors and vehicle owners shall cooperate at all times with authorized department personnel in carrying out the inspection of equipment, or examination of driver pursuant to law, or to department rules.

(11) No driver may require or allow any passenger to stand while the vehicle is in motion. The driver may not move or start the HSV until all passengers are seated. The driver may not permit a passenger to get up from a seated position until the HSV has come to a complete stop. The driver may not permit any passengers to sit anywhere except in seats provided. This subsection does not apply to chaperones or monitors in the performance of their duties.

(12) The driver of any vehicle required to stop at a railroad crossing by s. 346.45, Stats., shall come to a full stop at a distance of not less than 15 feet nor more than 50 feet before crossing at grade any track of a railroad. The hazard warning lights shall be used when the HSV is slowing for the stop and shall remain on until the vehicle has resumed normal speed. While the vehicle is so stopped, the driver shall open the service door and listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the driver of such vehicle shall cross only in such gear of the vehicle as shall make it unnecessary to manually shift gears while traversing the crossing and may not shift gears while traversing the crossing. The door shall remain open until the front wheels of the HSV have cleared the first set of tracks for each required stop.

(13) Passengers shall comply with all orders given by drivers in carrying out the driver's responsibilities under the Wisconsin administrative code.

(14) The use of audio headsets by drivers is prohibited.  
History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), (3) and (5) to (12), cr. (14), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.06 Vehicle owner and employer requirements.** It is the vehicle owner's and the employer's responsibility to determine that qualified personnel operate the vehicle according to safe practices, including s. 346.94 (15), Stats., relating to prohibited towing practices, that the vehicle is insured as an HSV under s. 344.55, Stats., registered as an HSV under s. 341.25 (1) (k), Stats., and inspected as required by s. 110.05, Stats., and this chapter.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.07 Out of service.** (1) Any vehicle that is found to be in such condition that is unsafe for use as an HSV shall have an "out of service" sticker attached to the upper glass in the service door. The vehicle may not be used as an HSV while such sticker is displayed.

(2) A vehicle with an "out of service" sticker displayed shall be reinspected after repairs are completed. The sticker shall be removed by an agent of the department prior to reuse as an HSV.

(3) It shall be illegal for any person other than an agent of the department to remove an "out of service" sticker unless the vehicle has the base registration removed and is reregistered in such a manner so as to prohibit its use as an HSV.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

## Subchapter II—Equipment Standards

**Trans 301.09 Equipment standards.** Any HSV with a passenger-carrying capacity of 16 or more persons, including the operator, shall comply with ch. Trans 330, motor bus equipment and inspection, except s. Trans 330.23, inspection fees. In addition, motor buses used to transport disabled persons shall comply with s. Trans 301.14, communication requirements, and subch. III, special equipment requirements.

History: Cr. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.10 Aisle.** Any HSV with a GVWR of more than 10,000 pounds or a vehicle with the aisle through the center of the unit shall have a minimum clearance of 12 inches leading to the emergency door when measured at any point between the seats or between any seat and emergency door frame in the case of a vehicle with a side emergency door. An open area for wheelchairs may not be considered an aisle.

Note: For purposes of measurement, the 12-inch aisle clearance is required when measured from a foldaway seat when the seat is in its fully deployed and open position. For purposes of measurement, the 12-inch aisle clearance is required from a flip-up seat that complies with s. Trans 301.29 (3) at a side emergency door location when the seat is not occupied and is in its automatically closed position.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.11 Brakes.** Brakes shall conform to the applicable standards under 49 CFR 571.105 and 571.121 and requirements under 49 CFR 393.40 to 393.52.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; x. and recr. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.12 Bumpers.** Every HSV shall be equipped with front and rear bumpers properly attached to the vehicle to be effective in the event of an accident.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Trans 301.13 Construction.** (1) Every HSV manufactured in accordance with federal school bus standards after May 1, 1997 shall meet the requirements of 49 CFR 571.220, school bus rollover protection.

(2) Every van modified with a raised roof or doors, or both, placed in operation after May 1, 1997 shall meet the requirements of 49 CFR 571.220, school bus rollover protection.

(3) A modified van with raised roof or doors, or both, placed in operation prior to May 1, 1997 may continue operation for 5 years after May 1, 1997 without modification, if it meets the

accessibility guidelines for transportation vehicles in 36 CFR part 1192, subpart B, including the door height standard in 36 CFR 1192.25(c).

**Note:** 36 CFR 1192.25(c) reads as follows: "For vehicles in excess of 22 feet in length, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches. For vehicles of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches."

**History:** Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and corr. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.14 Communications.** Every HSV shall be equipped with some type of 2-way communication system. This system shall be of such design and installation that the vehicle operator shall at all times be able to communicate with either the base of operations or another intermediary party that could communicate with the base of operations.

**History:** Cr. Register, March, 1982, No. 315, eff. 1-1-83; r. (2), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.15 Defroster.** (1) All defrosting equipment shall keep the windshield and the glazing to the left and right of the driver clear of fog and frost. The defroster outlets may not be restricted in any way.

(2) Fans may be used in addition to defrosters, but shall be mounted so as not to obstruct the driver's view.

(3) Any exposed fan blades shall have a shroud.

**History:** Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.16 Emergency exit.** (1) Every HSV with a GVWR of more than 10,000 pounds shall be provided with emergency exits that comply with 49 CFR 571.217, bus emergency exits and window retention and release, and the following requirements:

(a) 1. The door shall be devised so as to be opened from the inside and outside.

2. The aisle to the emergency door shall be kept clear of obstructions.

(b) There may not be any steps leading to the emergency door.

(c) The upper and lower portion of the central rear emergency door shall be equipped with approved safety glass, the exposed area of which shall be not less than 400 square inches in the upper portion and not less than 280 square inches in the lower portion. The left side emergency door shall be equipped with safety glass in the upper portion and lower portion shall be of at least the same gauge metal as the body. The emergency door shall be hinged on the right side if it is in the rear of the bus and on the front side if it is in the left side and shall open only outward. Control from the driver's seat may not be permitted.

(d) The emergency door shall be equipped with a slide bar, cam-operated latch which shall have a minimum stroke of one inch. The latch shall be equipped with a suitable electric plunger-type switch connected with a distinctive audible signal, automatically operated which shall clearly indicate the unlatching of this door. A cutoff switch may not be installed in the circuit. The switch shall be enclosed in a metal case and wires leading from the switch shall be concealed in the body. The switch shall be so installed that the plunger contacts the farthest edge of the slide bar in such a manner that any movement of the slide bar shall immediately close the circuit and activate the signal. The door latch shall be equipped with an interior handle which shall be capable of quick release but shall be protected against accidental release. It shall lift up to release the latch. The outside handle shall be so constructed as to minimize hitching and shall be a nondetachable device.

(e) If locks are installed on the emergency door they shall include a device to prevent the activating of the starter mechanism of the vehicle engine while any door is locked. An audio alarm

shall indicate to the driver when any door lock is in the locked position while the ignition switch is in the "on" position.

(f) A rear emergency window at least 16 inches in height and as wide as practicable shall be provided in any HSV where the emergency door is not in the rear. The rear window shall be designed so as to be opened from either the inside or the outside. It shall be hinged at the top and designed to prevent accidental closing in an emergency. A positive latch on the inside shall provide for quick release but offer protection against accidental release. The outside handle shall be nondetachable and designed to minimize hitching.

1. The inside of each emergency window or door shall have the designation "Emergency Exit." Concise operating instructions shall be located within 6 inches of the release mechanism. The outside of the emergency door shall be clearly marked "Emergency Door" or "Emergency Exit" in letters 2 inches high at the top of the door. An arrow at least 6 inches long and 3/4 inch in width indicating the direction the release mechanism should be turned to open the door shall be painted in contrasting or conspicuous colors. The outside of the emergency window shall be labeled "Emergency Exit" in letters at least 2 inches high directly above the window.

2. A distinctive audible signal, automatically operated shall clearly indicate to the driver the unlatching of any emergency window and no cutoff switch may be installed in the circuit.

(g) The area on the inside above the emergency door shall be covered with padding at least 2 inches high to within 2 inches of each side of the door opening.

(2) Each HSV of 10,000 pounds or less GVWR need not have a specific emergency exit providing there are 2 separate openings where persons could exit the vehicle under normal circumstances.

(3) All doors shall be capable of being opened easily from the inside and outside including the rear door of a van.

(4) Motor buses used as an HSV shall have emergency exits that conform to the requirements under 49 CFR 393.61, 393.62, 393.63 and 393.92 and the applicable standards under 49 CFR 571.217.

**History:** Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1) (Intro.), (b) to (d), (f) 2, (2) and (3), cr. (4), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.17 Floor and floor covering.** Every HSV shall have a nonslip floor mat or covering wherever the driver or passengers normally place their feet or utilize floor space to get to their seats.

**History:** Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Trans 301.18 Exhaust system.** The exhaust system which includes the exhaust manifolds, joining gaskets, piping leading from the exhaust manifold, muffler, catalytic converter, and tail pipe may not enter the HSV at any location. The exhaust system pipes shall be of nonflexible tubing. The exhaust system pipes shall extend to, but not beyond the rear limit of the bumper or to the body limits on the left side of the bus behind the driver's compartment, or may exit to the right side of the vehicle to the rear of the rear wheel. The complete exhaust system shall be tightly connected and free from leaks and shall be properly insulated from the electrical wirings or any combustible part of the vehicle.

**History:** Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.19 Fire extinguisher.** (1) Each HSV shall be equipped with a fire extinguisher mounted in full view in the driver's compartment or mounted inside a compartment in the driver's area if the compartment is in plain view and is labeled "Fire Extinguisher" in red letters to indicate its location. An automobile or station wagon may have the fire extinguisher mounted in the luggage area provided there is an indication on the dash that the fire extinguisher is so located.

(2) Fire extinguishers may be locked or kept in a locked compartment provided it is not locked when passengers are being

transported. This subsection may not apply to the cargo area of an automobile.

(3) The fire extinguisher shall be at least a 10 BC rating.

(4) All extinguishers shall be kept fully charged and sealed.

(5) All extinguishers shall be in a bracket or receptacle to secure it to the vehicle.

(6) CO2 extinguishers are prohibited from use in an HSV.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), (2) and (6), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.20 First aid kit.** (1) Every HSV shall carry a first aid kit. The container shall be moisture and dust proof. It shall be secured in the vehicle.

(2) The kit shall be a 10 unit kit or larger containing the following:

Adhesive bandage, 1-inch .....	2 packets
Bandage compress, 2-inch .....	2 packets
Bandage compress, 4-inch .....	4 packets
Gauze compress, 24-inch x 24-inch minimum ..	1 packet
Triangular bandage, 40-inch .....	1 packet

(3) All units shall be in a sanitized package.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Trans 301.21 Fuel tank and fuel system integrity.**

(1) In addition to the requirements under 49 CFR 393.65, 393.67 and 393.69, all fuel systems and tanks shall be maintained free of leaks.

(2) All fuel lines shall be fastened in a manner that will prevent wear.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.22 Heaters.** (1) In addition to the requirements under 49 CFR 393.77, a heater shall maintain an inside temperature of not less than 50° fahrenheit throughout the HSV at average minimum January temperatures as established by the U.S. department of commerce, weather bureau, for the area in which the bus is to be operated.

(2) The heater hose shall be adequately supported to guard against excessive wear or abrasion and may not interfere with or restrict the driver. Heater hose or lines inside the driver or passenger compartment shall be shielded to prevent accidental contact by driver or passengers.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.23 Instruments and gauges.** (1) Every HSV originally equipped with any of the following instruments, warning devices, or gauges shall be maintained with that equipment or a comparable replacement in good working condition:

(a) Air pressure or vacuum, where air or vacuum brakes are used with low energy supply warning system.

(b) Ammeter, voltmeter or electrical capacity.

(c) Fuel.

(d) Oil pressure.

(e) Water temperature.

(2) The gauges or instruments shall be mounted in such a manner that each is clearly visible to the seated driver.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and rec. (1) (intro.), am. (1) (a), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.24 Interior.** (1) The interior of an HSV shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls.

(2) The interior of the HSV shall be kept free of litter or debris.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), r. (2) and (3), rec. (4) to be (2) and am., Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.25 Lights, lamps, and reflectors.** (1) The lights, lamps, and reflectors required for an HSV shall conform to the requirements for color, position and type under 49 CFR 393.9 to 393.26, and required by ch. 347, Stats.

(2) All lights and lamps shall be operational and the reflectors may not be damaged or broken.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.26 Mirrors.** (1) HSV mirrors shall comply with the requirements of 49 CFR 571.111. In addition, every HSV with a GVWR of more than 10,000 pounds shall have an interior rearview mirror at least 6 x 30 inches overall. There shall also be 2 exterior clear view outside rearview mirrors, one to the left and one to the right of the driver. Area of each mirror shall be not less than 50 square inches overall. Each mirror shall be firmly supported and adjustable to give driver clear views past left rear and right rear of vehicle. The right outside mirror mounts shall include a side angle adjustable convex mirror to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surfaced mirror below 50 square inches, or as an option, have a front mounted mirror; these shall provide a view from the service door rearward.

(2) Each HSV with a GVWR of 10,000 pounds or less shall have:

(a) One interior rearview mirror.

(b) Two outside rearview mirrors. One shall be on the right side and one on the left side of the vehicle.

(3) Every HSV except an automobile or station wagon transporting minors shall be equipped with a 7 inch cross-view mirror providing a reflection of the road from the front bumper to a point where direct observation is possible.

(4) Mirrors which are cracked, broken, or clouded shall be replaced.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.27 Openings.** (1) Every HSV shall have all openings between the engine and passenger compartments adequately sealed to prevent engine fumes from entering the passenger compartment. Every HSV shall have doors which have a weatherstrip or weatherstrip to prevent drafts, or inclement weather from entering the vehicle.

(2) Every HSV shall be free of rust or rusted areas which could permit the entrance of foreign substance into the interior of the vehicle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.28 Rub rails.** (1) Every HSV originally manufactured to federal and state school bus standards with a GVWR of more than 10,000 pounds shall comply with the following requirements:

(a) There shall be one rub rail located approximately at seat level which shall extend from the rear side of the service door to the rear of the vehicle and one rub rail located on the left side from the front to the rear.

(b) There shall be one rub rail located between the floor line and 9 inches above the floor line. It shall extend over the same longitudinal distance as the upper rub rail, except where it meets the wheel housing, and which may terminate at the radii of the right and left rear corners.

(c) Rub rails shall be constructed of 16 gauge longitudinally corrugated or ribbed steel of at least 4 inch width. Each rub rail flange shall be attached at each body post. Pressed-in or snap-on rails are not permitted.

(2) An HSV with a GVWR of 10,000 pounds or less is not required to have rub rails.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1) (intro.) and (2), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.29 Seating.** (1) All seats shall be forward facing and securely fastened to that part or parts of the body which support them. A passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident.

(2) The top corners and at least 10 inches of the top of the back surface of the seat backs shall be padded sufficiently to reduce the likelihood of injury. Hand holds may be incorporated on a seat back. These holds are exempt from the padding requirement.

(3) For purposes of this subsection, a "foldaway seat" is a single or double seat designed so the seat back folds down or the seat bottom folds up and includes seats where the entire folded assembly may lock securely along the interior wall of the vehicle. Foldaway seats shall comply with the requirements in 49 CFR 571.207. A "flip-up seat" may be used at a side emergency door location. A flip-up seat shall conform to the following requirements:

(a) The automatic flip-up seat shall be designed and constructed to inhibit passenger limbs from becoming lodged between the seat cushion and seat back.

(b) The working mechanism under the seat shall be covered to eliminate any tripping hazard.

(c) The bottom of the flip-up seat shall be covered with sheet metal or other material of equal strength and durability and any sharp edges padded to prevent injury or snagging clothing.

(d) The seat shall be designed and constructed to rise to a vertical position automatically when not occupied.

(4) All passengers aboard an HSV shall be seated in a permanently mounted seat. The department shall interpret the removable seat in a van as being a permanently mounted seat. This subsection does not apply to persons transported in a wheelchair or some other device which would make this provision impractical.

(5) Rear or center facing seats in a station wagon are not permitted.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (2) and (4), r. and rec. (3), cr. (5), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.30 Service door.** (1) Service door shall be located on right side of vehicle.

(2) Service door shall be so designed as to prevent accidental opening.

(3) In a vehicle of more than 10,000 pounds GVWR, the lower as well as upper panels shall be of safety glass as follows:

(a) The bottom of the lower glass panel may not be more than 35 inches from the ground when vehicle is unloaded.

(b) The upper glass shall be hermetically sealed or the vehicle shall be equipped with a defrosting device to assure the driver has a clear view out of the service door glass.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; renum. (1) to be Trans 301.83 (8) and am., renum. (2) to (4) to be (1) to (3) and am. (3), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.31 Steering.** All components and linkages for the steering system shall be properly maintained.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Trans 301.32 Steps.** (1) The first step at the service door shall be not more than 18 inches above the ground when the vehicle is empty. The use of a portable step may not be considered in meeting this requirement.

(2) The riser of the upper step at the service door shall be not more than 15 inches.

(3) A grab handle not less than 10 inches in length shall be provided in an unobstructed location inside doorway to assist a person entering or leaving a HSV.

(4) The surface of the steps shall be of nonskid material or construction.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.33 Suspension system.** In addition to conforming to the requirements under 49 CFR 393.207, all suspension parts, including mountings, shackles, U-bolts, airbags and all connecting air lines shall be maintained in good working order.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and rec. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.34 Tires.** (1) The front and rear tires shall have tread depth of at least 2/32 inch around the entire periphery measured at 2 points no less than 15 inches apart in any major tread groove. Vehicles with a GVWR of more than 10,000 pounds shall have front tires with a minimum of 4/32 inch tread depth and rear tires with a minimum of 2/32 inch tread depth.

(2) An HSV may not be operated with regrooved, recapped or retreaded tires on the front wheels.

(3) An HSV may not be operated with cuts or chunks missing exposing the cord, recaps peeled loose or off, or showing an indication of ply separation.

(4) Tires of different size or ply rating may be used except that all tires on an axle shall be the same size and ply rating.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (2) to (4), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.35 Windows and windshields.** Windows and windshields shall conform to the applicable requirements under 49 CFR 393.60, 393.61, 393.62, 393.63 and 571.217 and to the following:

(1) All windows that open shall operate freely. Any side window latches shall be capable of holding the window securely in place in all positions.

(2) All exposed edges shall be banded or ground to eliminate sharp or rough areas.

(3) If an emergency window is originally equipped with an automatically operated, audible signal to indicate to the driver that the window is unlatched when the ignition is in the "on" position, no cut-off may be installed in the audible signal circuit.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and rec. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.36 Windshield wipers and washers.**

(1) In addition to the requirements for windshield wipers under 49 CFR 393.78, the windshield wiper system shall have at least 2 speeds or a variable speed motor.

(2) If an HSV is originally equipped with a windshield washer system that provides fluid for the windshield wipers to clean the windshield, the system shall be maintained in operational condition.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and rec. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.37 Wiring.** Wiring shall conform to the requirements under 49 CFR 393.27 to 393.29, 393.31 and 393.33.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and rec. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.38 Windshield wipers.** History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. Register, April, 1997, No. 496, eff. 5-1-97.

### Subchapter III—Special Equipment Requirements

**Trans 301.60 General requirements.** (1) Vehicles used for transporting persons with a disability shall comply with current Wisconsin statutes and rules except for modifications necessary for the installation of special equipment. Such modifications or exceptions are set forth in this section through s. Trans 301.66. In addition, new, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport disabled persons shall comply with all requirements in 36 CFR 1192, subparts A and B.

(2) Any HSV used for transporting persons with a disability in wheelchairs shall be equipped with a side ramp or a lift located on the right side of the body. The side ramp or lift may not be attached to the exterior of the body, but shall be completely con-

tained and securely fastened within the perimeter of the vehicle body when not in operation. An HSV equipped with a ramp or a lift using the HSV rear door may not be used to load or discharge persons on a highway as defined by s. 340.01 (22), Stats., or where otherwise prohibited. An HSV need not be equipped with a side ramp or lift located on the right side of the body.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; emerg. am. (2), eff. 6-29-83; am. (2), Register, December, 1983, No. 336, eff. 1-1-84; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.61 Special service opening.** (1) There shall be an enclosed door opening located on the right side of the HSV and far enough to the rear so that any forward mounted door when fully opened may not obstruct or interfere with the normal operation of the regular service door.

(2) A device shall be provided to hold doors in a wide open position of at least 90°.

(3) Door materials and structural strength shall be equivalent to conventional service and emergency doors.

(4) Each door shall have a glass window meeting the requirements of s. Trans 301.35.

(5) The door shall be equipped with a device that shall actuate an audible or visual signal located in the driver's compartment when door is not securely closed and latched and may deactivate when door is fully opened. This subsection shall be applicable to vehicles manufactured after January 1, 1982.

(6) Door panels shall enclose the complete opening in the body made necessary by the installation of a side ramp or power lift.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), (5) and (6), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.62 Power lift.** (1) The lifting mechanism shall have a minimum capacity of 700 pounds.

(2) All power lift mechanisms shall be enclosed.

(3) Power lift may be mounted to chassis frame.

(4) Lift platform edges shall be designed to prevent wheelchairs or attendant's feet from becoming entangled during raising and lowering process.

(5) The platform floor surface shall be of nonskid material.

(6) The platform shall lock mechanically when in the stored position. A power lift designed to remain in a rigid position with the power off is exempt from having a mechanical lock. The intent of this subsection is to prevent a lift from having any movement while the vehicle is in motion.

(7) Up and down limits shall be controlled by limit switch or by-pass valve. A lift with gravity lowering capabilities is exempt from having a by-pass valve.

(8) Positioning power lift shall be controlled by switches which give the operator instant and positive control to move, stop, or reverse the lift travel at will.

(9) With the exception of floor molding, no metal screws are to be used in fabrication of platform assembly.

(10) The lift control shall be interlocked with the vehicle brakes, transmission or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged.

(11) New, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport physically disabled persons shall comply with the requirements found in 36 CFR 1192.21 and 1192.23.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (2), (5) and (6), cr. (10) and (11), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.63 Ramps.** (1) A floor ramp shall be covered with nonskid material. A ramp when in the stored position shall be locked by a mechanical device to prevent its movement while the vehicle is in motion.

(2) New, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport the physically disabled shall comply with the requirements found in 36 CFR 1192.21 and 1192.23.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; amend. to be (1), cr. (2), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.64 Stanchions and barriers.** (1) Barriers shall be furnished to provide a restraint for passengers. If the vehicle is a van and has only seats with no area for wheelchairs, it is exempt from having barriers. The most forward seat behind an open area for wheelchair use and the most forward seat behind a power lift or ramp shall be protected by a barrier. This subsection does not apply to vehicles equipped with seat belts and shoulder restraints that meet 49 CFR 571.208, occupant crash protection requirements, and that are used in accordance with s. 347.48, Stats.

(2) All inside and rear facing surfaces except the platform surface of a lift shall be padded. Barriers and stanchions shall be padded.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.65 Wheelchair fasteners.** (1) Each wheelchair shall be secured to the vehicle before the vehicle moves from the parked position with a fastening device with sufficient strength to:

(a) Retain the chair in the event the vehicle overturns.

(b) Prevent the chair from moving.

(c) Prevent the chair's wheels from leaving the floor in the event of a sudden stop or start.

(2) The device may be either a metal locking unit that secures the wheelchair to the wall or floor or a webbing belt system that accomplishes the same purpose.

(3) There may be no wheelchair attachment to any door.

(4) If a webbing belt system is used it shall be secured to the vehicle at not less than 2 points with bolts, nuts, and lock washers or self-locking nuts, or with a positive latching mechanism of matching interlocking units which permits the belt portion to be removed and stored. The webbing system shall be free of any tears or damage to the locking mechanism.

(5) A webbing belt used to secure the wheelchair to the body frame may not be used to secure the passenger to the wheelchair.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (3) and (5), Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.66 Seats and restraints.** (1) Seat frames may be equipped with a device to which belts or restraining harnesses may be attached.

(2) Every occupant shall be secured to the wheelchair while being transported.

(3) Vehicles manufactured and placed in operation prior to August 25, 1990, that are designed to transport wheelchairs may have aisle facing seats over the wheel housing provided they are equipped with a device to prevent a passenger from sliding off either end. A seat belt may not in itself meet this requirement. The seat shall be permanently mounted and may not fold up or down.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (3), Register, April, 1997, No. 496, eff. 5-1-97.

#### Subchapter IV—Inspection and Enforcement Standards

**Trans 301.95 General requirements.** (1) Any item if covered by a standard in this chapter shall, upon replacement, be replaced with an item meeting the original standard. Any modification of an HSV shall be made to conform to federal and state regulations at the time of modification.

(2) A panel truck may not be used as an HSV.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; correction in (3) made under s. 13.93 (2m) (b) 5., Stats., Register, August, 1996, No. 488; am. (1) and (2),



s. (3), renum. (4) to (6) to be Trans 301.96 (3) to (5) and am., Register, April, 1997, No. 496, eff. 5-1-97.

**Trans 301.96 Enforcement.** (1) The enforcement policy of the department shall consider the age, condition and equipment of HSVs before granting approval for their continued use. The department may not permit the use of any HSV for transportation purposes if the department finds it unsafe or unfit for service.

(2) In construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, employee, agent, servant or other person acting for or employed by the registered owner or the lessee of the HSV, whoever has control, done within the scope of employment or on behalf of the registered owner or lessee, is deemed to be the act, omission or failure of the registered owner or lessee. This subsection does not apply to violations of ch. 346, Stats.

(3) (a) It is the responsibility of the owner or operator to have the HSV inspected annually. After notification by the owner or operator, or the authorized representative of any transportation assistance program for elderly or disabled persons, that vehicles are to be inspected, the department shall attempt to inspect the vehicles, contingent on other duties, at the earliest time available.

(b) During subsequent inspection periods, the department shall attempt to perform the inspections without notification; however, the responsibility remains with the owner to have the HSV inspected.

(c) The department may arrange to inform the authorized representative of any transportation assistance program for elderly or disabled persons when and if vehicles have been inspected and the results of any inspection.

(d) The department may require display of a distinctive annual inspection sticker on any HSV. No vehicle required to be inspected by s. 110.05, Stats., or this chapter, or s. HSS 105.39 may be operated on any highway unless it displays on the body of the vehicle, as close as practicable to the lower right-hand corner of the windshield, an unexpired certificate of inspection decal issued by the department.

(4) Violations of any provision of this chapter shall be prosecuted as set forth under s. 110.05 (4), Stats. In addition to or in lieu of any other penalty provided by law, the department may refuse to register or suspend, or both, any or all registrations of persons that do not comply with this chapter, including annual inspection requirements, and may require the surrender of any registration plates. Any registration suspended under this section shall remain suspended until the person complies with this chapter and makes application for registration or re-registration and the required fee for registration is paid.

(5) This chapter applies to all HSVs except vehicles owned by volunteers. Human services vehicles formerly in compliance as school buses may continue to meet those requirements, or may convert to meet the requirements of this chapter. In the event that the vehicle is converted from a school bus, all identification requirements of a school bus shall be removed. Upon conversion, the owner shall repaint a vehicle meeting the yellow-black color scheme to some other color. The stop arm, school bus sign and alternating flashing red lights shall be removed immediately upon conversion. Human services vehicles placed in operation in Wisconsin after May 1, 1997 shall comply with the requirements in effect at the time they are inspected as an HSV.

History: Cr. Register, April, 1997, No. 496, eff. 5-1-97.